

ANNOTATED
LEGISLATIVE
TEXTS



Exegetical Commentary on the Code of Canon Law

Volume V



EXEGETICAL COMMENTARY ON THE CODE OF CANON LAW

PREPARED UNDER THE RESPONSABILITY OF THE
MARTÍN DE AZPILCUETA INSTITUTE
FACULTY OF CANON LAW
UNIVERSITY OF NAVARRE

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Volume V

English language edition
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Wilson & Lafleur
Montreal, Canada

Midwest Theological Forum
Chicago, Illinois

2004

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APPENDIX II
RESPONSES
OF THE PONTIFICAL COUNCIL
FOR LEGISLATIVE TEXTS¹

1. Since December 1999 this new more general name appears in *Comm.* (cf. *Annuario Pontificio per l'anno 2004*, pp. 1151-1153. 1721-1722) reflecting that the Holy See promulgates universal laws apart from the Code and that the competence of this Council goes beyond the authentic interpretation. On 01-03-1989, following *PB* 154-158, the competence of the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law was already enlarged; its name was modified to be extended to the interpretation of "Legislative Texts". On 27-02-1991, through a letter by the secretary of State, Card. A. Sodano, to Archbishop V. Fagiolo, pro-president of the Pontifical Council (prot. no. 278.287/G.N.; *Comm* 23 [1991] 14-15), the area of competence of the Council was further extended to the interpretation of the *CCE/90* and of the legislation common to all the Eastern Catholic Churches.

Furthermore, the editors have strived for uniformity in the material presentation of the responses. Though the content has not been modified, capitalization has been standardized, as well as the use of "c." and "cc." for "canon" and "canons," and of "§" and "§§" for "paragraph" and "paragraphs", etc. The reference given after the Latin original text are to the *Acta Apostolicæ Sedis* (= *AAS*); the one after the English language translation is to *Roman Replies* (= *RR*). (Editors' note.)

CHRONOLOGICAL CUMULATIVE TABLE

Date of the Response of the Council	Date of the Papal approval
26-06-1984	11-07-1984
14-05-1985	05-07-1985
28-02-1986	17-05-1986
21-03-1986	17-05-1986
29-04-1986	17-05-1986
25-11-1986	23-04-1987
20-02-1987	24-04-1987
21-02-1987	01-06-1988
29-04-1987	20-06-1987
26-05-1987	20-06-1987
19-01-1988	23-05-1988
24-01-1989	20-05-1989
08-05-1990	28-06-1990
02-07-1991	10-10-1991
30-06-1992	11-07-1992
16-06-1998	07-07-1998
04-06-1999	03-07-1999

CUMULATIVE TABLE BY NUMERICAL ORDER OF THE CANONS

canons	pages	canons	pages
31-33	292-293	910	300-301
87	292-293	917	300-301
119	292-293	951	300-301
127	292-293	964	302-303
230	292-293	1066-1067	302-303
299	294-295	1103	302-303
346	294-295	1108	302-303
402	294-295	1117	302-303
434	294-295	1263	302-303
452	294-295	1367	304-305
455	294-295	1398	304-305
502	294-297	1443	304-305
509	296-297	1522	304-305
684	296-297	1525	304-305
700	296-299	1673	306-307
705	298-299	1686	306-307
767	298-299	1737	306-307
830	300-301		

Vide c. 455.

c. 87

D. — Utrum extra casum urgentis mortis periculo Episcopus diocesanus, ad normam c. 87, § 1, dispensare valeat a forma canonica in matrimonio duorum catholicorum.

R. — *Negative.*

Responsio 14-05-1985

Approbatio pontificia 05-07-1985

Promulgatio	01-08-1985
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AAS 77 (1985) 771.

c. 119

D. — Utrum in electionibus, ad normam c. 119, 1^o peragendis, adhuc requiratur in tertio scrutinio maioritas absoluta suffragiorum eorum qui sunt praesentes, an, excepto casu paritatis, maioritas relativa sufficiat.

R. — *Negative ad primam partem; affirmative ad secundam.*

Responsio 08-05-1990

Approbatio pontificia 28-06-1990

Promulgatio	01-08-1990
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AAS 82 (1990) 845.

c. 127

D. — Utrum cum iure statuatur ad actus ponendos Superiorem indigere consensu alicuius Collegii vel personarum coetus, ad normam c. 127, § 1, ipse Superior ius habeat ferendi suffragium cum aliis, saltem ad paritatem suffragiorum dirimendam.

R. — *Negative.*

Responsio 14-05-1985

Approbatio pontificia 05-07-1985

Promulgatio 01-08-1985

AAS 77 (1985) 771.

c. 230

Vide c. 910.

c. 230

D. — Utrum inter munera liturgica quibus laici, sive viri sive mulieres, iuxta C.I.c. c. 230, § 2, fungi possunt, adnumerari etiam possit servitium ad altare.

R. — *Affirmative et iuxta instructiones a Sede apostolica dandas.*

Responsio 31-06-1992

Approbatio pontificia	11-07-1992
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Promulgatio 06-06-1994

AAS 86 (1994) 541.

See c. 455.

cc. 31-33

Q. — Whether outside the case of urgent danger of death can the diocesan bishop dispense according to c. 87, § 1, from the canonical form for the marriage of two Catholics?

c. 87

R. — *Negative*.

Response	14-05-1985
Papal approval	05-07-1985
Promulgation	01-08-1985
<i>RR 1990 111.</i>	

Q. — Whether, during elections held according to the norm of c. 119, 1°, an absolute majority of votes of those present is required even in the third scrutiny, or, except in cases of a tie, does a relative majority suffice?

c. 119

R. — *Negative* to the first part; *affirmative* to the second.

Response	08-05-1990
Papal approval	28-06-1990
Promulgation	01-08-1990
<i>RR 1990 116A</i>	

Q. — Whether when the law requires that the superior must have the consent of the council or of a body of persons in order to act, in keeping with c. 127, § 1, does the superior have the right of voting with the others, at least to break a tie?

c. 127

R. — *Negative*.

Response	14-05-1985
Papal approval	05-07-1985
Promulgation	01-08-1985
<i>RR 1990 111.</i>	

See c. 910.

c. 230

Q. — Whether serving at the altar is reckoned among the roles that lay people, both men and women, may exercise according to c. 230, § 2?

c. 230

R. — *Affirmative*, and according to the instruction to be give by the Apostolic See.

Response	30-06-1992
Papal approval	11-07-1992
Promulgation	06-06-1994
<i>RR 1990 111.</i>	

- c. 299** Vide c. 1737.
- c. 346** D. — Utrum, Episcopi emeriti, de quibus in c. 402, § 1, ab Episcoporum Conferentia eligi possint, iuxta c. 346, § 1 præscriptum, uti Synodi Episcoporum sodales.
R. — *Affirmative*.
Responsio 02-07-1991
Approbatio pontificia 10-10-1991
Promulgatio 03-12-1991
AAS 83 (1991) 1093.
- c. 402** Vide c. 346.
- c. 434** Vide c. 452.
- c. 452** D. — Utrum Episcopus auxiliaris munere Præsidis (aut Pro-Præsidis) in Episcoporum conferentiis fungi possit. Utrum id possit in conventibus Episcoporum regionis ecclesiasticæ, de quibus in c. 434.
R. — *Negative ad utrumque*.
Responsio 19-01-1988
Approbatio pontificia 23-05-1988
Promulgatio 15-03-1989
AAS 81 (1989) 388.
- c. 455** D. — Utrum sub locutione “decreta generalia” de qua in c. 455, § 1, veniant etiam decreta generalia exsecutoria de quibus in cc. 31-33.
R. — *Affirmative*.
Responsio 14-05-1985
Approbatio pontificia 05-07-1985
Promulgatio 01-08-1985
AAS 77 (1985) 771.
- c. 502** D. — Utrum, ad normam c. 502, § 1, membrum Collegii Consultorum quod desinit esse membrum Consilii Presbyteralis remaneat in suo munere consultoris.
R. — *Affirmative*.
Responsio 26-06-1984
Approbatio pontificia 11-07-1984
Promulgatio 07-08-1984
AAS 76 (1984) 747.

See c. 1737. **c. 299**

Q. — Whether the bishops emeriti mentioned in c. 402, § 1, may be elected as members of the Synod of Bishops by the conference of bishops according to c. 346, § 1. **c. 346**

R. — *Affirmative.*

Response	02-07-1991
Papal approval	10-10-1991
Promulgation	03-12-1991
<i>RR 1992 140.</i>	

See c. 452. **c. 434**

Q. — Whether an auxiliary bishop is able to undertake the office of president (or pro-president) of an episcopal conference. Whether he can undertake such a position in gatherings of the bishops of ecclesiastical regions mentioned in c. 434. **c. 452**

R. — *Negative* to both.

Response	19-01-1988
Papal approval	23-05-1988
Promulgation	15-03-1989
<i>RR 1990 112.</i>	

Q. — Whether the expression “general decrees” in c. 455, § 1, also includes general executory decrees of the sort in cc. 31-33? **c. 455**

R. — *Affirmative.*

Response	14-05-1985
Papal approval	05-07-1985
Promulgation	01-08-1985
<i>RR 1990 112.</i>	

Q. — Whether according to c. 502, § 1, a member of the college of consultors who ceases to be a member of the presbyteral council remains in office as consultor? **c. 502**

R. — *Affirmative.*

Response	26-06-1984
Papal approval	11-07-1984
Promulgation	07-08-1984
<i>RR 1990 112.</i>	

- c. 502** D. — Utrum perdurante quinquennio, si quis consultor a munere cesset, Episcopus dioecesanus alium in eius loco nominare debeat.
R. — *Negative et ad mentem.* Mens autem est ut obligatio alium consultorem nominandi adest tantummodo si deficiat numerus minimus in c. 502, § 1 requisitus.
Responsio 26-06-1984
Approbatio pontificia 11-07-1984
Promulgatio 07-08-1984
AAS 76 (1984) 747.
- c. 509** D. — Utrum præsidis electio imponatur in canonicorum capitulis vi c. 509, § 1.
R. — *Negative.*
Responsio 24-01-1989
Approbatio pontificia 20-05-1989
Promulgatio 10-08-1989
AAS 81 (1989) 991.
- c. 684** D. — Utrum verbo "religiosus", de quo in c. 684, § 3, intelligatur tantum religiosus a votis perpetuis an etiam religiosus a votis temporariis.
R. — *Negative ad primum; affirmative ad secundum.*
Responsio 29-04-1987
Approbatio pontificia 20-06-1987
Promulgatio 03-09-1987
AAS 79 (1987) 1249.
- c. 700** D. — Utrum decretum dimissionis iuxta c. 700 *CIC* a Moderatore supremo prolatum dimisso notificandum sit ante Sanctæ Sedis confirmationem, aut post eiusdem confirmationem.
R. — *Negative ad primam partem; affirmative ad alteram.*
Responsio 21-03-1986
Approbatio pontificia 17-05-1986
Promulgatio 04-12-1986
AAS 78 (1986) 1323.

Q. — Whether during the five year term, if a consultor ceases from office, must the diocesan bishop appoint another to replace him? c. 502

R. — *Negative* and *ad mentem*. The mind of the legislator is that an obligation to appoint another consultor exists only when the minimum number required by c. 502, § 1, was lacking.

Response	26-06-1984
Papal approval	11-07-1984
Promulgation	07-08-1984
<i>RR 1990 112.</i>	

Q. — Whether it is required to elect the president of a chapter of canons in the light of c. 509, § 1? c. 509

R. — *Negative*.

Response	24-01-1989
Papal approval	20-05-1989
Promulgation	04-12-1986
<i>RR 1990 113.</i>	

Q. — Whether the term "religious" in c. 684, § 3, is to be understood only of religious in perpetual vows or also of religious in temporary vows. c. 684

R. — *Negative* to the first, *affirmative* to the second.

Response	29-04-1987
Papal approval	20-06-1987
Promulgation	03-09-1987
<i>RR 1990 113.</i>	

Q. — Whether the decree of dismissal issued by the supreme moderator according to c. 700 is to be notified (to the person dismissed) before its confirmation by the Holy See, or after its confirmation? c. 700

R. — *Negative* to the first part; *affirmative* to the second.

Response	21-03-1986
Papal approval	17-05-1986
Promulgation	04-12-1986
<i>RR 1990 113.</i>	

- c. 700** D. — Utrum auctoritas competens ad recipiendum recursum in suspensivo contra sodalis dimissionem sit Congregatio pro Religiosis et Institutis Sæcularibus, quæ decretum confirmavit, aut Supremum Signaturæ Apostolicæ Tribunal.
- R. — *Affirmative ad primam partem; negative ad alteram.*
- | | |
|-----------------------|------------|
| Responsio | 21-03-1986 |
| Approbatio pontificia | 17-05-1986 |
| Promulgatio | 04-12-1986 |
- AAS 78 (1986) 1323.
-
- c. 705** D. — Utrum Episcopus religiosus gaudeat in proprio instituto voce activa et passiva.
- R. — *Negative.*
- | | |
|-----------------------|------------|
| Responsio | 29-04-1986 |
| Approbatio pontificia | 17-05-1986 |
| Promulgatio | 04-12-1986 |
- AAS 78 (1986) 1324.
-
- c. 705** D. — Utrum religiosi, Romanæ Rotæ Prælati Auditores nominati, exempti habendi sint ab Ordinario religioso et ab obligationibus, quæ e professione religiosa promanant, ad instar religiosorum ad Episcopatum evectorum.
- R. — *Negative ad utrumque*, salvis iis quæ ad exercitium proprii officii spectant.
- | | |
|-----------------------|------------|
| Responsio | 19-01-1988 |
| Approbatio pontificia | 23-05-1988 |
| Promulgatio | 12-12-1988 |
- AAS 80 (1988) 1819.
-
- c. 767** D. — Utrum Episcopus diœcesanus dispensare valeat a præscripto c. 767, § 1, quo sacerdoti aut diacono homilia reservatur.
- R. — *Negative.*
- | | |
|-----------------------|------------|
| Responsio | 26-05-1987 |
| Approbatio pontificia | 20-06-1987 |
| Promulgatio | 03 09-1987 |
- AAS 79 (1987) 1249.

Q. — Whether a religious bishop enjoys active and passive voice in his own institute? **c. 700**

R. — *Affirmative* to the first part; *negative* to the second.

Response	21-03-1986
Papal approval	17-05-1986
Promulgation	04-12-1986

RR 1990 113.

Q. — Whether a religious bishop enjoys active and passive voice in his own institute? **c. 705**

R. — *Negative*.

Response	29-04-1986
Papal approval	17-05-1986
Promulgation	04-12-1986

RR 1990 113.

Q. — Whether religious, appointed judges of the Roman Rota, are to be considered exempt from the religious Ordinary and from the obligations deriving from religious profession, as in the case of religious raised to the episcopate. **c. 705**

R. — *Negative* to both, except in what concern the exercise of their office.

Response	19-01-1988
Papal approval	23-05-1988
Promulgation	12-12-1988

RR 1990 112.

Q. — Whether the diocesan bishop is able to dispense from the prescription of c. 767, § 1, by which the homily is reserved to priests or deacons. **c. 767**

R. — *Negative*.

Response	26-05-1987
Papal approval	20-06-1987
Promulgation	03-09-1987

RR 1990 114.

- c. 830** D. — Utrum licentia, de qua in c. 830, § 3, imprimenda sit in libris typis editis, indicatis nomine concedentis, die et loco concessionis.
R. — *Affirmative*.
Responsio 29-04-1987
Approbatio pontificia 20-06-1987
Promulgatio 03-09-1987
AAS 79 (1987) 1249.
- c. 910** D. — Utrum minister extraordinarius sacrae communionis, ad normam cc. 910, § 2 et 230, § 3 deputatus, suum munus suppletorium exercere possit etiam cum praesentes sint in ecclesia, etsi ad celebrationem eucharisticam non participant, ministri ordinarii, qui non sint quoquo modo impediti.
R. — *Negative*.
Responsio 20-02-1987
Approbatio pontificia 01-06-1988
Promulgatio 23-09-1988
AAS 80 (1988) 1373.
- c. 917** D. — Utrum, ad normam c. 917, fidelis qui Sanctissimam Eucharistiam iam recepit, possit eam eadem die suscipere altera tantum vice, an quoties eucharisticam celebrationem participat.
R. — *Affirmative ad primum; negative ad secundum*.
Responsio 26-06-1984
Approbatio pontificia 11-07-1984
Promulgatio 07-08-1984
AAS 76 (1984) 746.
- c. 951** D. — Utrum Ordinarius de quo in c. 951, § 1 intelligendus sit Ordinarius loci in quo Missa celebratur, an Ordinarius proprius celebrantis.
R. — *Negative ad primam partem; affirmative ad secundam*, nisi de parochis et vicariis paroccialibus, pro quibus Ordinarius intelligitur Ordinarius loci, agatur.
Responsio 20-02-1987
Approbatio pontificia 23-04-1987
Promulgatio 06-08-1987
AAS 79 (1987) 1132.

Q. — Whether the permission which is mentionned in c. 830, § 3, is to printed in published books, indicating the name of the one giving the permission, the date and place of the grant of permission.

c. 830

R. — *Affirmative.*

Response	29-04-1987
Papal approval	20-06-1987
Promulgation	03-09-1987
<i>RR 1990 114.</i>	

Q. — Whether the extraordinary minister of Holy Communion, deputed in accordance with cc. 910, § 2, and 230, § 3, can exercise his or her supplementary function even when ordinary ministers, who are not in any way impeded, are present in the church, though not taking part in the Eucharistic celebration.

c. 910

R. — *Negative.*

Response	20-02-1987
Papal approval	01-06-1988
Promulgation	23-09-1988
<i>RR 1990 114.</i>	

Q. — Whether, according to c. 917, one who has already received the Most Holy Eucharist may receive it on the same day only a second time, or as often as one participates in the celebration of the Eucharist?

c. 917

R. — *Affirmative to the first; negative to the second.*

Response	26-06-1984
Papal approval	11-07-1984
Promulgation	07-08-1984
<i>RR 1990, p. 114.</i>	

Q. — Whether the Ordinary referred to in c. 951, § 1, ought to be understood as the Ordinary of the place where the Mass is celebrated or as the proper Ordinary of the celebrant?

c. 951

R. — *Negative to the first part; affirmative to the second, except for a pastor or parochial vicar in which case the Ordinary of the place shall be understood.*

Response	20-02-1987
Papal approval	23-04-1987
Promulgation	06-08-1987
<i>RR 1990 115.</i>	

- c. 964** D. — Utrum attento praescripto c. 964, § 2, sacramenti minister, iusta de causa et excluso casu necessitates, legitime decernere valeat, etiamsi poenitens forte aliud postulet, ut confession sacramentalis excipiat in sede confessionali crate fixa instructa.
- R. — *Affirmative.*
- | | |
|-----------------------|------------|
| Responsio | 16-06-1998 |
| Approbatio pontificia | 07-07-1998 |
| Promulgatio | 01-09-1998 |
- AAS 90 (1998) 711.
- cc. 1066-1067** D. — Utrum ad comprobandum statum liberum eorum qui, etsi ad canonicam formam adstricti, matrimonium attentarunt coram civili officiali aut ministro acatholico, necessario requiratur processus documentalis de quo in c. 1686, an sufficiat investigatio præmatrimonialis ad normam cc. 1066-1067.
- R. — *Negative ad primum; affirmative ad secundum.*
- | | |
|-----------------------|------------|
| Responsio | 26-06-1984 |
| Approbatio pontificia | 11-07-1984 |
| Promulgatio | 07-08-1984 |
- AAS 76 (1984) 747.
- c. 1103** D. — Utrum vitium consensus de quo in c. 1103 matrimoniis non catholicorum applicari possit.
- R. — *Affirmative.*
- | | |
|-----------------------|------------|
| Responsio | 25-11-1986 |
| Approbatio pontificia | 23-04-1987 |
| Promulgatio | 06-08-1987 |
- AAS 79 (1987) 1132.
- c. 1108** Vide c. 87.
- c. 1117** Vide c. 87.
- c. 1263** D. — Utrum sub verbis c. 1263 "personis iuridicis publicis suo regimini subiectis" comprehendantur quoque scholæ externæ institutorum religiosorum iuris pontificii.
- R. — *Negative.*
- | | |
|-----------------------|------------|
| Responsio | 24-01-1989 |
| Approbatio pontificia | 20-05-1989 |
| Promulgatio | 10-08-1989 |
- AAS 81 (1989) 991.

Q. — Whether, in view of what is prescribed in c. 964, § 2, the minister of the sacrament, for a just reason and apart from a case of necessity, can lawfully decide, even if the penitent may request otherwise, that a sacramental confession be heard in a confessional equipped with a fixed grille. c. 964

R. — *Affirmative.*

Response	16-06-1998
Papal approval	07-07-1998
Promulgation	01-09-1998

ORE July 22, 1998.

Q. — Whether, in order to prove the state of freedom of those who, although bound to the canonical form, attempted marriage before a civil official or a non-Catholic minister, is the documentary process mentioned in c. 1686 necessarily required, or does the pre-nuptial investigation dealt in cc. 1066-1067 suffice? cc. 1066-1067

R. — *Negative* to the first; *affirmative* to the second.

Response	26-06-1984
Papal approval	11-07-1984
Promulgation	07-08-1984

RR 1990 116.

Q. — Whether the defect of consent referred to in c. 1103 is able to be applied to marriages of non-Catholics? c. 1103

R. — *Affirmative.*

Response	25-11-1986
Papal approval	23-04-1987
Promulgation	06-08-1987

RR 1990 115.

See c. 87. c. 1108

See c. 87. c. 1117

Q. — Whether external schools of religious institutes of pontifical right are included under the words of c. 1263, "public juridical persons subject to his authority"? c. 1263

R. — *Negative.*

Response	24-01-1989
Papal approval	20-05-1989
Promulgation	10-08-1989

RR 1990 115.

- c. 1367** D. — Utrum in c. 1367 CIC et 1442 CCEO verbum “ab-
icere” intelligatur tantum ut actus proiciendi necne.
R. — *Negative et ad mentem. Mens est quamlibet actionem
Sacras Species voluntarie et graviter despicientem censen-
dam esse inclusam in verbo “abicere”.*
Responsio 04-06-1999
Approbatio pontificia 03-07-1999
Promulgatio 09-07-1999
AAS 91 (1999) 918.
- c. 1398** D. — Utrum abortus, de quo in c. 1398, intellegatur tan-
tum de electione fetus immaturi, an etiam de eiusdem
fetus occisione quocumque modo et quocumque tempore
a momento conceptionis procuretur.
R. — *Negative ad primam partem; affirmative ad secun-
dam.*
Responsio 19-01-1988
Approbatio pontificia 23-05-1988
Promulgatio 12-12-1988
AAS 80 (1988) 1818.
- c. 1443** Vide c. 705.
- c. 1522** D. — Utrum finita instantia per peremptionem vel per re-
nuntiationem, si quis velit causam denuo introducere vel
prosequi, ea resummi debeat apud forum quo primum per-
tractata est, an introduci possit apud aliud tribunal iure
competens tempore resumptionis.
R. — *Negative ad primam partem; affirmative ad al-
teram.*
Responsio 29-04-1986
Approbatio pontificia 17-05-1986
Promulgatio 04-12-1986
AAS 78 (1986) 1324.
- c. 1525** Vide c. 1522.

Q. — Whether or not the word “*abicerere*” in cc. 1367 *CIC* and 1442 *CCEO* should be understood only as the act of throwing away.

c. 1367

R. — Negative and “*ad mentem*”. The “mind” is that the word “*abicerere*” should be considered to include any voluntarily and gravely contemptuous action towards the Sacred species.

Response	04-06-1999
Papal approval	03-07-1999
Promulgation	09-07-1999
<i>Comm</i> 31(1999) 42.	

Q. — Whether abortion, mentioned in c. 1398, is to be understood only as the ejection of an immature fetus, or also of the killing of the same fetus in whatever way or at whatever time from the moment of conception it may be procured.

c. 1398

R. — *Negative* to the first part; *affirmative* to the second.

Response	19-01-1988
Papal approval	23-05-1988
Promulgation	12-12-1988
<i>RR</i> 1990 115.	

See c. 705.

c. 1443

Q. — Whether, when an instance is finished through peremption or by renunciation, if someone wishes to introduce or pursue the cause again, must it be resumed in the forum where it was first treated, or can it be introduced before another tribunal which is competent in law at the time of the resumption?

c. 1522-1525

R. — *Negative* to the first part; *affirmative* to the second.

Response	29-04-1986
Papal approval	17-05-1986
Promulgation	04-12-1986
<i>RR</i> 1990 116.	

See c. 1522.

c. 1525

- c. 1673** D. — Utrum vicarius iudicialis, cuius consensus requiritur ad normam c. 1673, 3°, sit vicarius iudicialis diœcesis in qua domicilium habet pars conventa an tribunalis inter-diœcesani.
- R. — *Affirmative ad primum et ad mentem.* Mens autem est: si in casu particulari deficiat vicarius iudicialis diœcesanus requiritur consensus Episcopi.
- | | |
|------------------------|------------|
| Responsio Commissionis | 28-02-1986 |
| Approbatio pontificia | 17-05-1986 |
| Promulgatio | 04-12-1986 |
- AAS 78 (1986) 1323.
- c. 1686** Vide cc. 1066-1067.
- c. 1737** D. — Utrum christifidelium cœtus, personalitatis iuridicæ, immo et recognitionis de qua in c. 299, § 3, expers, legitimationem activam habeat ad recursum hierarchicum proponendum adversus decretum proprii Episcopi diœcesani.
- R. — *Negative*, qua cœtus: *affirmative*, qua singuli christifideles, sive singillatim sive coniunctim agentes, dummodo revera gravamen passi sint. In æstimatione autem huius gravaminis, iudex congrua discretionalitate gaudeat oportet.
- | | |
|-----------------------|------------|
| Responsio | 29-04-1987 |
| Approbatio pontificia | 20-06-1987 |
| Promulgatio | 12-12-1988 |
- AAS 80 (1988) 1818.

Q. — Whether the judicial vicar whose consent is required according to the norm of c. 1673, 3°, is the judicial vicar of the diocese in which the respondent has a domicile, or the judicial vicar of the interdiocesan tribunal?

c. 1673

R. — *Affirmative* to the first, and *ad mentem*. The mind of the legislator is that if in a particular case there is no diocesan judicial vicar, the consent of the bishop is required.

Response	28-02-1982
Papal approval	17-05-1986
Promulgation	04-12-1986

RR 1990 116.

See cc. 1066-1067.

c. 1686

Q. — Whether a group of faithful, lacking juridical personality and even recognition envisaged in c. 299, § 3, can legitimately make hierarchical recourse against a decree of its own diocesan bishop.

c. 1737

R. — *Negative* as a group; *affirmative* as individual members of the faithful acting either singly or together, provided that they really have a grievance. However, in estimating the grievance, the judge must be allowed suitable discretion.

Response	29-04-1987
Papal approval	20-06-1987
Promulgation	12-12-1988

RR 1990 111.

PART II

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* The term "correspondence" used in the heading of each table conveys various shades of meaning. Sometimes, the norms will be identical even in their wording, sometimes only in their sense; at other times, the norms will be similar in part; in some cases, they will even be contrary to one another. It is only when a norm in one Code does not have a counterpart in the other Code that an em-dash (—) has been used to note that fact. (Editors' note).

1 — Table of Correspondence between the 1917 *Codex iuris canonici* and the 1983 *Codex iuris canonici*
(L. Navarro; revised by M. Thériault [+])

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*(I. Barral and J Escrivá Ivars;
revised by Michel Thériault [†])*

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APOSTOLIC PREFECTURE

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- *favor iuris*: **III/1093** (*favor iuris* and matrimonial system), 1094 (*favor iuris* and *ius connubii*; *favor iuris* as a legal presumption), 1097 (*favor iuris* and the privilege of the faith; *see* MARRIAGE DISSOLUTION: privilege of the faith)

Norms with respect to different situations

- marriage cases: *see* SPECIAL PROCESSES: Marriage cases
- marriage separation: *see* SEPARATION OF THE SPOUSES
- convalidation: *see* MARRIAGE CONVALIDATION
- declaration of presumed death of the spouse: *see* SPECIAL PROCESSES: Marriage cases
- legitimate dissolution of the marriage ratified but not consummated: *see* DISPENSATION *SUPER RATO*
- special cases of marriage dissolution: *see* MARRIAGE DISSOLUTION

Properties and ends

- essential properties: **III/1056** (*see infra*: unity, indissolubility), 1064 (properties and sacramentality), 1362 (properties of the bond and the special firmness of the sacramental marriage)
- unity: **III/1058** (and ends of the marriage), 1059 (and fidelity), 1362 (unity and indissolubility: concept and relation) (for error about the unity and for its exclusion as a cause of nullity, *see* MARRIAGE CONSENT, MARRIAGE SIMULATION)
- indissolubility: **III/1060** (and marriage *in fieri*), 1061 (and marriage *in facto esse*), 1061 (and unity; exclusion of indissolubility; *see* MARRIAGE SIMULATION), 1063 (and common good), 1362 (unity and indissolubility: concept and relation), 1372 (indissolubility of the marriage ratio and consummated: levels), 1372 (stability), 1373 (perpetuity; indissolubility) 1374 (foundation of indissolubility), 1539 (indissolubility of the marriage ratio and consummated: basis). **IV/1897** (in case of error about indissolubility and its exclusion as a cause for nullity, *see* MARRIAGE CONSENT, MARRIAGE SIMULATION; for the exceptional cases of dissolution of certain marriage, *see* MARRIAGE DISSOLUTION)
- sacramentality: **III/1043**, 1064 (essentials properties and sacramentality), 1312 (inseparability between the contract and the sacrament), 1312-1321 (error about the sacramentality; *see* MARRIAGE CONSENT, MARRIAGE SIMULATION)
- essential ends: **III/1054** (unity of the ends), 1352 (essential elements: concept and determination), 1353 (elements and essential ends) 1354 (conceptualization of the *ordinatio ad fines* in terms of essential rights and obligations) (for the essential rights and obligations *see supra* Effects of marriage)

Some classifications of marriage with juridical relevance

- ratified marriage: **III/1099**
- consummated marriage: **III/1101** (juridical relevance of consummation), 1101 (new in the current regulation), 1102 (presumption of consummation), 1239-1244 (difference between consensual incapacity for the right-obligation to the conjugal acts, impediment of impotency and non-consummation: rules of interpretation)
- putative marriage: **III/1103-1104** (concept, requirements and effects)

MARRIAGE CONSENT (*see* MARRIAGE)

- in general: **III/1066** (consent as the founding act of matrimony), 1067 (those who are able to), 1068 (legitimate manifestation; the singular character of consent), 1070 (nature; consent as an act of the will), 1071 (the object of consent; *see* **III/1275**), 1072 (irrevocability; the situation of consent in the matrimonial system), 1080 (*ius connubii* and consent), 1220 (dimensions of the specific intentions in valid consent) 1250 (consent as the founding principle of the system of matrimony in canon law), 1333 (key to the structure of valid consent); the unitive reality of consent)
- subjects: **III/1067** (those who can marry) (*see* MARRIAGE: *ius connubii*)
- age to contract: **III/1143-1145** (the marriage of minors without knowledge or consent of the parents), 1146-1147 (the impediment of age and pastoral care) (*see* IMPEDIMENTS)
- capacity and incapacity to consent: **III/1220** (essential dimensions of the intention to consent), 1220 (the specific intention to give valid consent, in light of its object), 1222 (definition of consensual capacity and juridical criteria to measure its defect; *see* **III/1252**), 1224 (the notion of consensual capacity), 1245-1250 (so called relative incapacity)
- legal criteria for the level of capacity: **III/1225** (lack of sufficient use of reason, positive and negative considerations; *see* USE OF REASON), 1225 (the meaning of use of reason), 1226 (the measure for determining the insufficiency use of reason), 1227 (of insufficient use of reason and the proportionality of the cause of psychic nature), 1228 (psychic cause and cause for nullity of marriage), 1229 (grave lack of discretionary judgement: the present notion; adjustment with respect to the traditional meaning), 1229-1230 (specific proportionality; state of maturity according to biographic criteria), 1231 (the actual measure of grave lack of discretionary judgement), 1232 (essential rights and obligations derived of the matrimonial bond), 1233 (enumeration of the essential matrimonial rights and obligations), 1234 (impossibility to assume the essential matrimonial rights and obligations due to a cause of psychic nature; the meaning of the term *assume*), 1231 (assume, fulfill and realize; the measure for determining the *impossibility*), 1232 (the rule to measure the impossibility to assume), 1233 (impossibility and difficulty), 1234 (habitual character of the antecedent anomaly), 1235 (the cause of psychic nature; *see* **III/1241**), 1235-1241 (difference between consensual incapacity for the right-obligation to the conjugal acts; the impediment of impotence and non-consummation: rules of interpretation)
- criteria of qualification and proof of consensual incapacity: **III/1248-1249** (requirements for a correct interpretation or analy-

- sis), 1251 (conceptual and methodological clarity: Canon Law and Psychiatry; *see* CANONICAL SCIENCE: instrumental recourses of the juridical method; **III**/1260-1261), 1252 (exegetical and unitarian function of the empirical notion of consensual capacity), 1252-1253 (only one consensual incapacity, not three of them), 1253 (non-existence of different grades of intensity of psychic incapacity; common characteristics of every incapacity), 1255 (difference and proportion between the anomaly and the incapacity), 1257 (difference between consensual incapacity and impediments; *see* IMPEDIMENT), 1259 (progress with respect to the previous classifications based on mental disorders and illnesses), 1261 (internal freedom, emotional maturity and lucid intervals), 1263 (the requirement of antecedence in the assessment of the incapacity), 1264 (rules for the expert)
- the importance of the cognitive element for a valid consent: **III**/1267 (the formative process of consent), 1268 (the double dimension of the conjugal choice; the volitive and the cognitive dimensions of the choice), 1270-1272 (the act of reason and the efficient cause of matrimony; dependency and independence of the will with respect to reason)
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 - error and consent: **III**/1270-1272 (hermeneutic principles common to all cases of error), 1272-1274 (terminology and classifications of error), 1274 (difference and coincidence of effects in cases of ignorance and substantial error)
 - error about the identity or about the qualities of the person: **III**/1270-1272 (common hermeneutic principles), 1278 (the foundation of the discipline), 1279-1282 (historical antecedents of the *error facti*), 1282-1283 (error of person: identity as the minimal cognitive requirement), 1283 (physical identity: error of the quality redounding to the person), 1285 (irrelevance of the simple error of quality: rules for interpretation), 1285 (the quality as an accidental element; as a motivating factor), 1287 (error of quality directly and principally intended; distinction between *error redoundans* and simple error), 1289 (quality directly intended in the process of formation of consent; *see* **III**/1267), 1290 (error of quality directly and principally intended as actual substantial error), 1291 (characteristics of the poofs and analogous statutory definitions), 1292 (retroactivity of c. 1097)
 - error caused by fraud in quality and consent: **III**/1270-1272 (common hermeneutical principles), 1293 (the notion of error caused by fraud and foundation of the discipline), 1296 (intervention of

- the active subject of fraud: intentionality), 1297 (error caused by fraud, indirect fraud, force and fear; types of fraud), 1298 (the passive subject of fraud; the requirements of the erroneous or mistaken quality), 1300 (retroactivity of c. 1098)
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For the care of the faithful of the Easter rite

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- obligation of secrecy in the processes: **IV/879-881**
- witness evidence of those bound by professional secrecy or client-professional privilege and other types of secret: **IV/1248-1249**
- celebration of secret marriage: **III/1514-1522**

SECULAR INSTITUTES (*see* INSTITUTES OF CONSECRATED LIFE)

- origin: **II/1461**, 1904 (historical notes)
- concept and nature: **II/1461** (its incidence over the notion of consecrated life), 1470 (secularity and consecration), 1473 (the notion of those consecrated in the CIC; *see* CANONICAL STATE), 1904 (nature: historical notes), 1817 (in the reform of the CIC), 1908 (essential coexistence of consecration and secularity: doctrinal debate)

- judicial configuration in the CIC: **II/1907** (defining features; systematic element, 1908 (the essential coexistence of consecration and secularity), 1910 (consecration and secularity in the CIC)
- juridical personality: **II/1937**
- admission of members: **II/1942** (admission and stages; right of admission), 1943 (admission to the initial test: requirements and impediments), 1944 (required maturity of the candidate; appropriate preparation), 1946 (initial test: purpose), 1858 (initial test: nature and regulation), 1948 (incorporation to the institute), 1949 (temporary incorporation: difference from perpetual and definitive)
- canonical condition or status of the member: **II/1912**, 1913 (status of consecrated, 1914 (the particulars of the secular nature) (*see* CANONICAL STATE)
- observance of evangelical counsels: **II/1553** (general norm), 1919 (determination of the proper method), 1919 (chastity, poverty and obedience) (*see* EVANGELICAL COUNSELS)
- sacred bonds of the members: **II/1553**, 1916 (nature of the sacred bond), 1917 (different possibilities of the vow; publicity nature of the vows; *see* VOW), 1948 (incorporation to the institute)
- apostolic life: **II/1922** (fundamental principles), 1923 (consecration and secular apostolate), 1923 (the apostolate of consecrated laity), 1925 (the apostolate of consecrated clerics; *see infra* clerics of a secular institute)
- obligation of the members: **II/1933** (the obligation to actively participate in the life of the institute), 1934 (the obligation of fraternal communion; *see infra*: life of fraternal communion)
- spiritual life of the members: **II/1940** (basic principles), 1940-1941 (specific means)
- permanent formation: **II/1950** (foundation), 1951 (necessity and means; content)
- way of personal life: **II/1927** (life of communion; external sign)
- life of fraternal communion: **II/1564-1565** (general foundation and peculiarities), 1927 (distinction from religious life in community), 1934 (obligation of the members)
- clerics of a secular institute: **II/1928** (different situations of incardination; *see* INCARDINATION), 1931 (juridical status of members incardinated in a diocese), 1931 (stable and full bonds; areas of autonomy), 1932 (juridical status of those incardinated in the institute), 1952 (permanet formation), 1959 (indult to leave the institute), 1969 (dismissal from the institute)
- internal governance of the institute: **II/1935** (general principle; personal office and nomination), 1936 (senior directors: conditions; power and duration: counsel; chapters or collegial organs)
- temporal goods: **II/1937** (legal sources for its regulation), 1938 (reflection of evangelical poverty; financial obligations with the members of the institute)
- departure from the institute: **II/1955** (departure of those temporary incorporated: cases and regulation), 1956-1957 (handling

- and granting of indult of departure of those temporary incorporated), 1958 (indult of departure of the one perpetually incorporated; nature; difference from perpetually professed religious), 1959 (procedure for the indult of the perpetually incorporated; case of clergies), 1961 (effects of the indult)
- dismissal from the institute: **II/1962** (general norms; automatic dismissal), 1963-1965 (obligatory dismissal: causes), 1965 (optional dismissal: causes), 1966 (procedure for dismissal; decree of dismissal: requirements for validity), 1967 (confirmation of the decree of dismissal), 1968 (notification of the decree and effects; recourse), 1969 (the case of clerics)
 - transfer of a member to another institute: **II/1970** general principles and cases envisioned), 1971 (transfer to another secular institute: regulation), 1837 (transfer to a religious institute)
 - association to the institute of other faithful: **II/1953** (nature of its bond), 1954 (difference with third orders; *see* ASSOCIATIONS OF FAITHFUL: third orders)
 - participation in the missionary activity: *see* MISSION ACTIVITY OF THE CHURCH
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- SENTENCE** (*see* PROCESS)
- judicial pronouncements: **IV/1442** (terminology; nature), 1444 (regulation in the CIC), 1445 (types of pronouncements), 1447-1451 (common structure of the pronouncements), 1452 (nature)
 - concept and nature: **IV/1452**
 - requirement of moral certainty to pronounce a sentence: **IV/1459-1462** (*see* PROCEDURAL EVIDENCE: weighing of evidence), 1469-1471 (methodological order for reaching moral certitude)
 - definitive sentence: **IV/1454** (concept and types), 1456 (distinction between definitive and interlocutory sentence)
 - conclusion of the instance by definitive sentence: **IV/1170** (*see* JUDICIAL INSTANCE)
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 - sentence (determining that the claim of the Petitioner has not been established): **IV/1466-1469**
 - application of the norms on definitive sentences to interlocutory sentences: **IV/1503-1505**
 - internal procedure for decision to prepare sentences: **IV/1473** (personal responsibility of each judge), 1474-1480 (procedural itinerary; the case of the judge dissenting from the majority), 1481 (the writing of the sentence by the sole judge), 1482-1483 (the writing of a sentence of a collegial tribunal; the role of the ponens), 1484-1486 (time to make known the sentence)
 - internal requirements of the sentence: **IV/1487-1488** (necessary contents), 1489 (the need to

- resolve the controversy: congruence), 1491 (the need to determine the obligations of the parties), 1493 (determination what is pertinent to expenses; *see* PROCEDURAL EXPENSES), 1494-1496 (motivation for the sentence)
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- the *sanatio* effects of the sentence: **IV/1542** (*sanatio* by means of the sentence of the acts that are null: requirements)
- defects of irremediable nullity: **IV/1544-1549** (concept, nature and types) (*see* COMPLAINT OF NULLITY)
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- challenge of the sentence: *see* IMPUGNING
- stability of the sentence and *res iudicata*: **IV/1597** (*see* ADJUDGED MATTER)
- execution of the sentence: *see* EXECUTION: of Sentences

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- concept: **III/1569** (nullity, dissolution, separation), 1571 (right-obligation to the conjugal community; *see* MARRIAGE: Effects of marriage), 1572 (guiding principles of the conjugal community), 1572 (the personal right of conjugal separation and its foundation), 1573 (basis of the right of separation) 1574, (separation in fact and in law; the two ways of separation in law)
- perpetual separation: **III/1577** (sole cause), 1577 (concept of adultery), 1578-1579 (requirements of the specific canonical consideration of adultery), 1579-1582 (causes that give right for the separation of the spouses due to adultery), 1582 (way to establish the perpetual separation)
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- support of children after separation: **III/1588**
- domicile of separated spouses: **III/1588**
- reconciliation and restoration of conjugal life: **III/1589** (invitation to reconciliation), 1590 (in case of perpetual separation due to adultery), 1591 (in case of temporary separation), 1592 (in case of separation based on mutual consent)

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- the need to approach the ecclesiastical forum: **IV/1898**
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- administrative separation: **IV/1899**
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 - types: **III/1843-1845** (diocesan, national, international)
 - approval of the local Ordinary: **III/1842** (meaning), **1843-1845** (approval of the different categories), **1848** (authority of the diocesan Bishop, privileges and exemptions)
 - pastoral purpose and means: **III/1853-1854**
 - statutes: **III/1846** (no need), **1847** (competent authority), **1848** (content of the statutes: purposes of the sanctuary), **1849** (rector; goods), **1850** (requirements for the approval of the statutes) (*see* STATUTES)
- possibility of granting privileges to sanctuaries: **III/1848, 1851-1852** (*see* PRIVILEGE)

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- (*see* ADMINISTRATIVE ACT)
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- manner of formulation: **I/526, 527** (hearing of interested parties), **561** (*purpose of the dialogue*)
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- systematic place in the CIC: **II/10, 1451**
- concept and nature: **II/1451** (not institutes of consecrated life) (see **INSTITUTES OF CONSECRATED LIFE**), 1973 (historical note), 1991 (their own particular way to incorporate members), 2012-2013 (three fundamental points about their nature)
- characteristics: **II/1976** (the apostolic purpose), 1977 (fraternal life in common; aspiration to perfection in charity)
- canonical regulation: **II/1451** (asimilation *in iure* to the institutes of consacrated life) 1975 (systematic place in the CIC), 1976 (the meaning of the verb *accedunt* and of the similarity to the institutes of conscrated life), 1980 (regulation by reference: general principle, nature and limits) 1980-1982 (some concrete norms about institutes of consacrated life)
- practice of evangelical counsels: **II/1977** (characteristic notes; absence of vows), 1978 (assumption the counsels in certain societies: the nature of the bond: see **II/1991**) (see **EVANGELICAL COUNSELS**)
- structures of governance: **II/1984** (reterence to norms of institutes of consecrated life; fundamental principles about power and governance), 1985 (general assembly; other collegial bodies), 1986 (Superiors and their councils: rights and obligations; some special cases of Superior generals), 1998 (relationship between members and their Superiors)
- erection of a house of a society: **II/1983** (competency; consent of the bishop), 2003 (distinction between house and community legitimately constituted)
- division of a society in parts: **II/1987**
- admission of members *pleno iure*: **II/1985** (conditions), 1990 (probatory time; incorporation or aggregation: nature and cases), 1991 (ways of incorporation; difference fom profession)
- formation of ministers: **II/1993** (plan of formation; applicable guidelines), 1994 (of clerical members)
- rights and obligations derived from definitive incorporation: **II/1996** (on the part of the incorporated member), 1997 (on the part of the society)
- clerical obligations applied to members: **II/2000** (foundation and limits), 2001 (listing of the obligations that concern the members of societies) (see **CLERIC: Obligations and rights**)
- obligation to reside in a house or community legitimately constituted: **II/1977** (fraternal life in common), 2003 (legislation on the fraternal life in common)
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- clerical members: **II/1994** (incardination and formation)
- members elevated to the episcopate: **II/1997**
- association of other faithful: **II/1992** (cases and nature of the relationship)
- temporal goods: **II/2005** (concept of proper goods), 2006 (regulation of the goods of the members: general norm)
- departure and dismissal of members: **II/2008** (general norms), 2009 (indult to leave of the one definitively incorporated), 2011 (exclaustration: causes and regulation; the usefulness of the application of qualified exclaustration), 2012 (dismissal)
- transfer of a member to another institute: **II/1836-1837** (to a religious institute), 2010 (to another society or to an institute of consecrated life)
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- associations related to a society: **II/1992** (*see* ASSOCIATIONS OF FAITHFUL)
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- catechizes in its churches and apostolic works: **III/129** (*see* CATECHESIS)
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SPECIAL MANDATE (POWER OF GOVERNANCE: Delegated)

- granted to the Vicar: *see* GENERAL VICAR
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- general characteristics: **IV/1719-1722**
- peculiarities of the different special processes: **IV/1722** (process for nullity of marriage), 1724 (written special process for nullity of marriage), 1727 (documentary process), 1728 (cases of separation of the spouses; *see* SEPARATION OF SPOUSES), 1730 (cases of nullity of sacred ordination), 1732 (dispensation *super rato*; *see* DISPENSATION *SUPER RATO*), 1734 (process on the presumed death of the spouses)

Cases of separation of the spouses (*see* SEPARATION OF THE SPOUSES)

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- nature: **IV/1727**, 1877-1878
- elements: **IV/1878** (jurisdiction and competency of the tribunal), 1879 (the parties), 1880 (the object of the process; required document; *see* DOCUMENT), 1881 (proof of lack of dispensation)
- elements of the process: **IV/1881**, 1882 (petition and citation), 1882 (the contradictory process)

- the sentence of nullity and its effects: **IV/1884-1885**
- appeal of the sentence: **IV/1886-1888, 1890-1891** (competent judge and procedure)
- *nova causae propositio*: **IV/1889** (see *NOVA CAUSAE PROPOSITIO*)
- complaint of nullity: **IV/1889** (see *COMPLAINT OF NULLITY*)
- other general norms for all nullity cases: **IV/1892-1893** (admonition to the parties in the sentence about their moral and civil obligations)

Grounds for declaring the nullity of marriage

- nature: see *infra* Matrimonial process: declarative nature of nullity cases
- competent tribunal: **IV/1755-1759** (proper right of the ecclesiastical judge), 1760 (competency of the civil judge in cases of merely civil effects), 1764 (cases reserved to the Apostolic See), 1765 (forum of the place of celebration of the marriage), 1767 (forum of the respondent), 1768 (forum of the petitioner), 1772 (forum of the proofs) (see *infra* Matrimonial process: observance of the titles of competency)
- legitimacy: **IV/1777, 1777-1782** (historical notes), 1854-1863 (present regulation), 1791-1793 (passive legitimacy) (see *LEGITIMACY*)
- challenge of the marriage after the death of either or both of the spouses: **IV/1794-1803** (posthumous challenge), 1803-1809 (continuing the case *post mortem*)
- use of pastoral means by the judge before accepting a case: **IV/1810-1811**
- applicable procedural norms: **IV/1894** (prohibition for a contentious oral; subsidiary of the norms about processes in general; see **IV/1813**) (see *PROCESS*)
- introduction of the case: **IV/1813** (application of the norms for processes in general), 1813 (acceptance of the petition, citation of the respondent and formulation of the doubt), 1814 (notification of the decree formulating the doubt), 1815 (determination of the ground or grounds of nullity), 1816 (decree opening the period for gathering)
- period for gathering of proofs: **IV/1817** (submitting proofs by the parties), 1818 (assistance of advocates when introducing proofs), 1822-1824 (declaration of the parties), 1825-1827 (intervention of experts: causes indicated) (see *PROCEDURAL PROOF*)
- intervention of the Defender of the Bond: **IV/1819** (nature) (see *DEFENDER OF THE BOND*)
- publication of the acts: **IV/1820** (see *JUDICIAL ACTS*)
- intervention of experts: **III/1264-1266** (rules of evidence for incapacity in matrimonial cases; see *MARRIAGE CONSENT*). **IV/1825-1826**
- doubts during the instruction about consummation: **IV/1833-1837** (suspension of the case and instruction of the procedure super rato: see *DISPENSATION SUPER RATO*)

- appeal of the sentence: **IV/1838** (special nature of the appeal; *see* **APPEAL**), 1839 (appeal of the sentence which does not declare nullity), 1841 (appeal of the sentence declaring the nullity; automatic nature of the appeal), 1844 (appeal of the first sentence *pro nullitate* after another *pro validate*), 1847-1854 (appeal of the sentence of nullity rendered in first instance), 1855-1861 (acceptance of a new ground on appeal)
- effects of the sentence of nullity confirmed by decree or sentence: **IV/1862-1865**
- adjudge matter in matrimonial cases: *see* **ADJUDGED MATTER**
- *vetitum* for a future marriage attach to the sentence: **IV/1865-1869**
- notification to the Ordinary of the executed sentence or judgment and entry in the registers: **IV/1870-1875** (*see* **PARISH BOOKS**)
- other general norms for all nullity cases: **IV/1892-1893** (admonition to the parties in the sentence about their moral and civil obligations)

Grounds for the declaration of nullity of the sacred ordination (*see* **SACRED ORDER**)

- theological principles: **IV/1942**
- historical notes about the regulation: **IV/1943-1946**
- legitimacy to challenge the nullity: **IV/1947-1948**
- procedure: **IV/1730** (nature), 1949 (sending the libellus to the competent Congregation; preliminary investigation), 1950 (admission of the petition; decision about the use of the administrative or judicial process; administrative pro-

- cess as the common way of the administrative process), 1951 (prohibition *ipso iure* of the exercise of orders by the cleric)
- designation of a judicial tribunal: **IV/1952** (assigning competency), 1953-1954 (itinerary of the process to be followed)
- participation of the Defender of the Bond: **IV/1955**
- the effect of two conforming sentences of the Congregation: **IV/1956**, 1957 (notation and possible *vetitum* for marriage)

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- importance of the matrimonial processes in judicial activity: **IV/1737**
- declarative nature of nullity cases: **IV/1739-1740**
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- observance of titles of competency: **IV/1743-1746** (occasion to modify the system)
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- of the presbyteral council: **II/1198** (statute and other proper norms), **1199-1200** (statute, regulations, and electoral norms: content) (*see* PRESBYTERAL COUNCIL)
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- of the chapter of Canons: **II/1226** (the need for, elaboration), **1227** (approval by the bishop), **1228** (function and importance; respect for the laws of foundations), **1229** (fundamental substance) (*see* CHAPTER)
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- pendis and support of clergy: historical notes), 702 (*see* CLERIC: right to a just remuneration)
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